

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

CODY A. LONG,

Plaintiff,

v.

Case No. 21-cv-907-pp

B. GUGLER,
and JOHN DOE,

Defendants.

**ORDER DISMISSING CASE AND COLLECTING FILING FEE FROM FORMER
PLAINTIFF JOSHUA J. CHEEK**

On August 3, 2021, Joshua Cheek and Cody Long filed this lawsuit. Dkt. No. 1. On August 17, 2021, plaintiff Cheek filed a notice of voluntary dismissal. Dkt. No. 8. The law requires that any prisoner who files a civil lawsuit must pay the filing fee. 28 U.S.C. §1915(b)(1). The court will collect the \$350 filing fee—the amount the statute requires—from Joshua Cheek.

Cody Long did not sign the complaint or petition to proceed without prepaying the filing fee. Long did not respond to a letter from the Clerk of Court directing him to sign the complaint and return it by August 24, 2021 if he wanted to proceed as a plaintiff. A review of the allegations in the complaint indicates that Long was not the aggrieved party. Rather, the complaint describes him as plaintiff Cheek’s “bunkie” and a witness who could substantiate Cheek’s claim. Dkt. No. 1 at 8, 10, 14. The court concludes that Long does not want to litigate this case and suspects that he may not have

been aware that he was named as a plaintiff or that the lawsuit was filed. The court will dismiss this case and will not collect a filing fee from Long.


The court **DISMISSES** this case **without prejudice**.

The court **ORDERS** that the agency that has custody of **former plaintiff Joshua Cheek** must collect from his institution trust account the \$350 filing fee by collecting monthly payments from Cheek's prison trust account in an amount equal to 20% of the preceding month's income credited to Cheek's trust account and forwarding payments to the Clerk of Court each time the amount in the account exceeds \$10 in accordance with 28 U.S.C. §1915(b)(2). The agency must clearly identify the payments by the case name and number. If Cheek transfers to another county, state or federal institution, the transferring institution must forward a copy of this order, along with Cheek's remaining balance, to the receiving institution.

The court will send a copy of this order to Joshua Cheek and the Director of the Wisconsin Resource Center.

Dated in Milwaukee, Wisconsin this 30th day of August, 2021.

BY THE COURT:

A handwritten signature in black ink, appearing to be 'P. Pepper', written over a horizontal line.

HON. PAMELA PEPPER
Chief United States District Judge